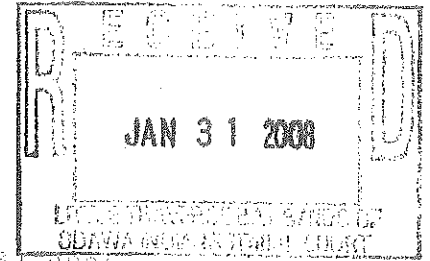


Little Traverse Bay Bands of Odawa Indians
Tribal Court

7500 Odawa Circle
Harbor Springs, Michigan 49740

231-242-1461 • FAX 231-242-1470



01-31-08P04:47 RCVD

Timothy L. LaCroix,
Plaintiff,

v.

CASE NO: C-069-0707

Barry Milligan, et. al.,
Defendants.

Timothy LaCroix
Pro Se
1384 South Wilson Rd.
Boyne City, MI 49712
231-582-2597

Allie G. Maldonado (P62307)
Assistant General Counsel
7500 Odawa Circle
Harbor Springs, MI 49740
231-242-1403
Attorney for Defendants

ORDER AFTER MOTION HEARING

1. Plaintiff filed this action on July 05, 2007.
2. Plaintiff's attorney was allowed by this Court to withdraw from his representation of Plaintiff following a hearing on November 20, 2007.
3. A Hearing on Defendant's Motion to Dismiss was scheduled for today's date.
4. Plaintiff did not attend today's hearing nor did he contact the Court or Defendant's attorney.
5. Defendant wished to proceed with the Motion Hearing.
6. The Court heard Defendant's Motion to Dismiss and finds the following:
 - A.) Plaintiff did not respond to Defendant's Answer which was filed on August 09, 2007,
 - B.) Plaintiff's attorney requested and the Court granted the Motion to Withdraw as Plaintiff's Counsel because of non payment and Plaintiff not responding to counsel's communications,
 - C.) The Rules of Civil Procedure adopted by the Little Traverse Bay Bands of Odawa Indians Tribal Court (LTBBRCP) govern all civil actions brought before the Court which Plaintiff failed to

follow. Rule XIII, Motions, provide the requirements for filing a motion. Plaintiff's motion did not conform to the pleadings requirement under the rule nor did Plaintiff serve the Defendant which is required under the rules,

D.) Defendant's attorney stated that Federal Rule of Civil Procedure 41(b) allows for involuntary dismissal for failure to prosecute based on inactivity and where LTBB Tribal Court Rules of Civil Procedure are silent, the Court can look to the Federal Rules of Civil Procedure for guidance,

E.) Defendant's attorney requests the case be dismissed because of opposing parties time and resources expended in this matter as well as the Court's,

F.) Defendant's attorney requests the case be dismissed with prejudice for failure of Plaintiff to Prosecute and for failure to comply with the LTBB Tribal Court Rules of Civil Procedure.

WHEREFORE IT IS HEREBY ORDERED THAT:

1. Rule XVI of the LTBB Tribal Court Rules of Civil Procedure allow for dismissal, either with or without prejudice, when it is just and proper given the stage of the proceedings,
2. Plaintiff failed to follow the rules in filing the motion, serving the motion to defendant, and not attending the motion hearing today,
3. Therefore, the Court grants the Motion to Dismiss with prejudice.

01/31/08
Date

JoAnne Gasco, LTBB Chief Judge